

ASSEMBLY BILL

No. 2776

Introduced by Assembly Member Bates

February 20, 2004

An act to amend Section 64201 of the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2776, as introduced, Bates. Quality Education Model: school funding.

Existing law establishes the California Quality Education Commission for the purpose of developing, evaluating, validating, and refining a Quality Education Model for prekindergarten through grade 12, inclusive. Under existing law, the commission is required to develop complete descriptions of prototype schools, at least one for each of the 3 levels of elementary and secondary education, to form models that fairly capture the diversity of public schools in California. Existing law also requires the commission to determine an adequate base funding amount for each of the 3 prototype schools.

This bill would also require the commission to examine the advantages and disadvantages of apportioning funds to school districts on the basis of enrollment, rather than on the basis of average daily attendance, and to make recommendations regarding its findings.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 64201 of the Education Code is amended to read:

64201. (a) The California Quality Education Commission is hereby established, ~~to become operative on July 1, 2003,~~ for the purpose of developing, evaluating, validating, and refining a Quality Education Model for prekindergarten through grade 12, inclusive, to provide state policymakers with adequate tools to enable them to establish the reasonable costs of schools and the best direct available resources so that the vast majority of pupils may meet academic performance standards established by the state. The work of the commission shall serve to implement the principles and direction described in the final report of the Joint Committee to Develop a Master Plan for Education, and shall identify the educational components, educational resources, and corresponding costs necessary to provide the opportunity for a quality education to every pupil.

(b) (1) The commission shall be composed of 13 members, who shall be representative of the diversity of the state population, and shall include *all of the following*:

(A) Leaders from business and education.

(B) Representatives of elementary schools, middle schools, and high schools.

(C) Representatives of urban districts, suburban districts, and rural districts.

(D) Representatives of the research community with experience in educational policy and best practices.

(2) Except for the first appointments to the California Quality Education Commission, a member shall serve a four-year term. A person may not be appointed to serve more than two consecutive terms. The first terms of the members first appointed to the California Quality Education Commission shall be as follows:

(A) Three shall serve a term expiring August 1, 2005.

(B) Five shall serve a term expiring August 1, 2006.

(C) Five shall serve a term expiring August 1, 2007.

(3) The commission members shall be appointed as follows:

(A) Seven members shall be appointed by the Governor and approved by the Senate. Of the seven members appointed by the Governor and approved by the Senate, one shall be a currently

1 employed public school teacher, one shall be a currently employed
2 public school administrator, and one shall be a current public
3 school board member. The terms of these members first appointed
4 shall be staggered so that the terms of two members shall expire
5 on August 1, 2005, the terms of two members shall expire on
6 August 1, 2006, and the terms of three members shall expire on
7 August 1, 2007.

8 (B) Two members shall be appointed by the Senate Committee
9 on Rules. The terms of these members first appointed shall be
10 staggered so that the term of one member shall expire on August
11 1, 2006, and the term of the other shall expire on August 1, 2007.

12 (C) Two members shall be appointed by the Speaker of the
13 Assembly. The terms of these members first appointed shall be
14 staggered so that the term of one member shall expire on August
15 1, 2006, and the term of the other shall expire on August 1, 2007.

16 (D) Two members shall be appointed by the Superintendent of
17 Public Instruction. The terms of these members first appointed
18 shall be staggered so that the term of one member shall expire on
19 August 1, 2005, and the term of the other shall expire on August
20 1, 2006.

21 (4) (A) The commission, by majority vote of all its sitting
22 members, shall elect its own chairperson from among its sitting
23 members.

24 (B) The commission shall appoint an executive director, who
25 shall be exempt from the State Civil Service Act (Part 2
26 commencing with Section 18500), Division 3 5, Title 2,
27 Government Code), and may in its discretion remove him or her
28 by a majority vote of all its members. The executive director shall
29 be the secretary to the commission and the commission's chief
30 executive officer. The executive director shall receive the salary
31 that the commission determines, and, subject to appropriations,
32 other prerequisites that the commission determines.

33 (C) Pursuant to subdivision (a) of Section 11126 of the
34 Government Code, the commission may hold closed sessions
35 when considering matters relating to the recruitment,
36 appointment, employment, or removal of the executive director.
37 Decisions made during a closed session of the commission related
38 to the recruitment, appointment, employment, or removal of the
39 executive director shall be made known at the next public meeting
40 of the commission.

(5) (A) A vacancy on the commission shall be filled within 30 days by the appointing power that appointed the prior holder of the position. An appointment to fill a vacancy shall be for the remaining portion of the term of the member whom the appointee succeeds. A vacancy may not impair the right of the remaining sitting members to exercise all of the powers of the commission.

(B) A majority of the sitting members of the commission constitutes a quorum for the transaction of business.

(C) “Sitting member” means an individual who has been appointed and is currently serving on the California Quality Education Commission.

(c) The commission shall do all of the following:

(1) Identify key issues to address in developing, evaluating, validating, and refining the Quality Education Model. The commission shall develop complete descriptions of prototype schools, at least one for each of the three levels of elementary and secondary education, to form models that fairly capture the diversity of public schools in California.

(2) Determine an adequate base funding amount for each of the three prototype schools. *The commission shall examine the advantages and disadvantages of apportioning funds to school districts on the basis of enrollment, rather than on the basis of average daily attendance, and make recommendations regarding its findings.*

(3) Recommend funding adjustments to allow schools that meet certain criteria to receive additional funding beyond the base funding amount. The funding adjustments shall be limited to both of the following:

(A) A district characteristic adjustment that focuses on the extraordinary needs of certain schools due to their geographic locations, including transportation needs and weather challenges.

(B) A pupil characteristic adjustment that is limited to the following three areas:

(i) Special education programs.

(ii) Services for English language learners who have been enrolled in California public schools for less than five years.

(iii) Programs for low-income pupils.

(4) Establish a category of grants to be known as initiatives that shall be limited in duration and serve either of the following purposes:

1 (A) To pilot and evaluate a proposed new program at one or two
2 schools prior to implementing the program statewide.

3 (B) To meet a school's immediate but temporary needs for
4 additional funding to mitigate the effects of an unforeseen
5 short-term problem faced by the school.

6 (5) Focus on practical alternatives that are achievable within
7 the minimum funding requirements for school districts and
8 community college districts imposed by Section 8 of Article XVI
9 of the California Constitution.

10 (6) Solicit comments, criticisms, and suggestions from
11 professional educators, education administrators, and education
12 policy experts relative to the elements of the Quality Education
13 Model. The commission shall consult expert panels for advice
14 relating to research-based, best practices most associated with
15 high pupil achievement.

16 (7) Solicit public comments, criticisms, and suggestions
17 relative to the elements of the Quality Education Model. The
18 commission shall provide the public with information sufficient to
19 enable interested members of the public to understand the process
20 being used to evaluate, validate, and refine the Quality Education
21 Model, and the reasonable choices or options under consideration.
22 The commission shall provide the public with information
23 explaining the criteria and models chosen and the basis for those
24 choices.

25 (8) Rely upon the most accurate available cost data, cost
26 estimation methods, and reasonable and expert assumptions in
27 those instances in which data are lacking. The commission shall
28 identify data gaps, modeling assumptions, and recommendations
29 for near-term and long-term improvement of the model.

30 (9) Deliver a report, comprised of the prototype models and the
31 commission's findings and recommendations, to the Governor and
32 Legislature no later than 12 months after the commission first
33 convenes. The report shall include recommendations for any
34 statutory changes to conform the existing school finance structure
35 to the Quality Education Model proposed in the report.

36 (d) The commission shall, upon delivery of the report, continue
37 as a standing commission, its members serving staggered terms,
38 with the following responsibilities:

- 1 (1) To test the Quality Education Model's reliability, by
2 evaluating the accuracy of the cost elements and assessing whether
3 moneys are actually used to desired effects.
- 4 (2) To refine the means with which to account for missing
5 elements, including intangible factors or quality indicators that
6 affect pupil achievement and for which data are not readily
7 available.
- 8 (3) To identify the Quality Education Model's assumptions,
9 assess the validity of those assumptions, and improve their
10 accuracy, especially by finding those resources and methods that
11 successful schools embody.
- 12 (4) To develop the capacity to estimate and forecast factors,
13 including the cost of the Quality Education Model's
14 implementation given model refinement, the growth of applicable
15 revenues, the pace of implementation, and the effects of the model
16 on pupil performance.
- 17 (5) To make recommendations for improvements in the state's
18 data-gathering systems.

